

<p style="text-align: right;">Page 10</p> <p>1 L. Luna 2 otherwise having difficulty understanding, please 3 let me know. 4 A. Okay. 5 Q. Please let me finish my question before 6 you answer it. This way, the court reporter can 7 take down a clean record. Also, as I mentioned, 8 you should answer the questions verbally so the 9 court reporter can take everything down. The 10 reporter and the interpreter cannot take down nods 11 of the head or other nonverbal gestures. 12 Understood? 13 A. Good. 14 Q. If you need a break, please let me know 15 and we can take a break. This is not an endurance 16 test. All I ask is that if I ask you a question 17 and the answer is still pending, you respond to 18 the question before we take a break. 19 A. Okay. 20 Q. Is there any reason at all why you 21 would not be able to give full and complete 22 testimony today? 23 A. No, there is no reason. 24 Q. Are you taking any medications that 25 could impair your ability to recollect or testify</p>	<p style="text-align: right;">Page 11</p> <p>1 L. Luna 2 truthfully? 3 A. No. 4 Q. Mr. Luna, what is your current address? 5 A. 1254 Sherman. Apartment 3-F. 6 Q. And in what borough is that located? 7 A. In the Bronx. 8 Q. What is your Social Security number? 9 A. 100-92-5576. 10 Q. What is your date of birth? 11 A. 2/27/69. 12 Q. Where were you born? 13 A. Santo Domingo. 14 Q. Have you ever been deposed before? 15 A. No. 16 Q. Did you prepare for this deposition 17 today? 18 A. Yes. 19 Q. Besides speaking with your attorney, 20 what did you do to prepare? 21 A. Only the truth. What I am supposed to 22 say. 23 Q. Did you review any documents in 24 preparation for this deposition? 25 A. No, I didn't review any documents.</p>
<p>TSG Reporting - Worldwide 877-702-9580</p>	<p>TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 12</p> <p>1 L. Luna 2 Q. Did you meet with anyone other than 3 Mr. Faillace to prepare for the deposition today? 4 A. No. 5 Q. Have you discussed this case with 6 anyone else? 7 A. No. 8 Q. Have you ever been a plaintiff or a 9 defendant in any civil litigation other than this 10 case? 11 A. No. 12 Q. Mr. Luna, you're no longer employed by 13 the defendants; is that correct? 14 A. No. 15 Q. By whom are you currently employed? 16 A. I work for a company called Sele 17 (phonetic) in New Jersey. That's where they 18 prepare the food for the animals. 19 Q. When were you hired by Sele? 20 A. Two months ago. 21 Q. What do you do for Sele? 22 A. I am packaging the merchandise. 23 Q. What is your hourly wage for Sele? 24 A. 8.25. 25 Q. What are your hours at Sele?</p>	<p style="text-align: right;">Page 13</p> <p>1 L. Luna 2 A. You get in at four o'clock in the 3 afternoon. But there's no schedule to leave, 4 because if there's work, you have to stay. 5 Q. Approximately how many hours a week do 6 you work for Sele? 7 A. Thirty-five, thirty-six. More or less. 8 Q. Do you currently work for any other 9 employer other than Sele? 10 A. No. 11 Q. You testified that you began working 12 for Sele approximately two months ago. Was that 13 approximately October 2007 that you were hired by 14 Sele? 15 A. Yes. 16 Q. By whom were you employed prior to 17 October 2007? 18 A. I was working in a bodega. 19 Q. What bodega? 20 A. Grand Concourse. Yamasa Grocery on 21 Grand Concourse. 168 Grand Concourse. 22 Q. When you say 168 Grand Concourse, where 23 are you referring? 24 A. That's where the bodega is. 25 Q. Where is Grand Concourse?</p>
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L. Luna

1 A. Grand Concourse -- it's an avenue. The
 2 building of the bodega is 1269.

Q. What street?

5 A. On Grand Concourse. That's in the
 6 Bronx.

7 Q. That's what I was asking. Thank you.
 8 How long did you work at the bodega in Grand
 9 Concourse?

10 A. Eight months.

11 Q. Is it correct then to say that you
 12 began working for Grand Concourse in the beginning
 13 of 2007?

14 A. Yes.

15 Q. What did you do for the bodega at Grand
 16 Concourse?

17 A. Arranging the merchandise.

Q. What was your hourly wage?

19 A. It was a fixed salary. They would pay
 20 350 per week.

Q. Did you receive that in cash or check?

22 A. Cash.

23 Q. How many hours a week did you work for
 24 the bodega?

25 A. From four to eleven. From four o'clock

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L. Luna

2 A. Yes.

Q. What did you do for defendants?

4 A. Park the cars.

5 Q. Why did you stop working for the
 6 defendants in November 2004?

7 A. Because we couldn't understand each
 8 other.

9 Q. Did you resign from your employment
 10 with the defendants or were you terminated?

11 A. They fired me.

Q. Why were you fired?

13 MR. FAILLACE: Objection. He
 14 already answered. He said, We didn't
 15 understand each other. What more do you
 16 need?

17 Q. I'll ask the question again. Why were
 18 you fired?

19 MR. FAILLACE: Objection. He
 20 answered already. He can answer. Go
 21 ahead. Repeat the question.

22 A. Because we couldn't understand each
 23 other. Too many hours of work, and I was not
 24 making enough money.

25 Q. What was the reason the defendants told

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1 L. Luna
 2 in the afternoon to eleven o'clock. Six days a
 3 week.

**Q. So you worked for the bodega
 approximately 42 hours a week?**

6 A. Yes.

**Q. And you were paid solely in cash by the
 bodega?**

9 A. Yes.

**Q. Where did you work prior to working for
 the bodega?**

12 A. In the parking.

**Q. You worked for the defendants prior to
 working for the bodega?**

15 A. Yes.

**Q. During what period of time did you work
 for the defendants?**

18 A. From 2002 to the end of 2004.

**Q. When were you initially hired by the
 defendants? You mentioned 2002. When in 2002?**

21 A. 26th March.

**Q. And approximately when did you stop
 working for the defendants? You mentioned the end
 of 2004. Does November 2004 sound accurate to
 you?**

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**L. Luna
 you they were firing you?**

3 MR. FAILLACE: Objection. He has
 4 already answered it twice. Interpreter,
 5 please tell him what I'm saying. But go
 6 ahead. Answer.

A. Can you please repeat the question?

8 MS. WHITE: Can the court reporter
 9 please repeat the question?
 (Record read.)

11 A. There were too many hours of work and
 12 that we couldn't understand each.

Q. Who told you that?

14 A. I told him that.

Q. You told who?

16 A. Raj, the supervisor.

17 Q. If I understand correctly, you told
 18 Raj, your supervisor, that there were too many
 19 hours of work, and that you were not making enough
 20 money?

21 A. Exactly.

22 Q. So I'll ask you again, Did you resign
 23 from the company or did they fire you?

24 A. They fired me because I didn't want to
 25 continue.

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1 L. Luna

2 employment around March 26th of 2002. Who at the
3 company hired you?

4 A. Raj.

5 Q. And for which garage were you initially
6 hired?

7 A. 187 and Valentine.

8 MR. FAILLACE: For clarification,
9 when he says 187 Valentine, he means
10 187th Street and Valentine Avenue. The
11 same as 162 -- so we don't go through the
12 same mess with Grand Concourse. When
13 they say a number and a name, they mean
14 this street and that avenue. Okay.15 Q. Just to clarify, Mr. Luna, you were
16 just referring to 187 Valentine as the garage
17 where you were initially hired. Were you
18 referring to 187th Street and -- the intersection
19 of 187th Street and Valentine?

20 A. Yeah.

21 Q. Do you know the name of that parking
22 garage?

23 A. Ivy Parking.

24 Q. For how long did you work at Ivy
25 Parking?

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1 L. Luna

2 A. Until the end of 2004.

3 Q. For which garage did you work after you
4 worked for Ivy Parking?

5 A. For the same one -- 169.

6 Q. Do you know the name of that garage?

7 A. It's called the parking of 169, because
8 it's the same company. And when they needed
9 somebody there, they would move the person there.10 Q. So after you worked at Ivy Parking on
11 187th Street, you worked at 169th Street?12 A. Because it's the same company, the same
13 owner.14 MR. FAILLACE: Excuse me. Your
15 question was after you worked at 187 you
16 went to work at 169. He is answering at
17 the same time he worked at both places.
18 And you can ask the interpreter.19 MS. WHITE: Let me ask the
20 interpreter. Is that exactly what he
21 said, or is Mr. Faillace interpreting
22 what he said?23 THE INTERPRETER: I don't
24 remember. Sorry.

25 MS. WHITE: I will confirm.

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1 L. Luna

2 Q. Did you work for Ivy Parking and the
3 garage at 169th Street at the same time, or did
4 you work for one after you worked for the other?5 A. If there was people not coming or
6 missing on 169th Street, they would send people
7 who didn't have much work on Ivy Parking to work
8 on the 169.9 Q. Okay. What other garages did you work
10 at between March 2002 and November 2004 besides
11 Ivy Parking and the garage at 169th Street?

12 A. No others.

13 Q. Those are the only two garages you
14 worked for the defendants?

15 A. Yes.

16 Q. For which garage did you work the most?

17 A. 187 and Valentine.

18 Q. Did you have any other jobs while you
19 were employed by the defendants?

20 A. No.

21 Q. Did you own your own business at the
22 time that you were working for the defendants?

23 A. No.

24 Q. What were your hours when you were
25 initially hired by the defendants in March 2002?

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1 L. Luna

2 A. From six in the afternoon to six
3 o'clock in the morning.

4 Q. How many hours a week did you work?

5 A. Twelve and thirteen hours. Because
6 sometimes the other people wouldn't come and we
7 had to wait.

8 Q. Let me repeat the question.

9 How many hours per week did you work?

10 You testified you worked from seven p.m. to
11 six a.m. How many hours a week?12 MR. FAILLACE: Objection. He
13 worked from six p.m. to six a.m.

14 Q. Six p.m. to six a.m.

15 How many hours per week did you work?

16 A. Sometimes I would work 72 hours.

17 Q. How many days a week did you work?

18 A. Six and sometimes seven.

19 Q. Let me make sure I'm understanding your
20 testimony. Your regular schedule was typically
21 from six p.m. to six a.m., six days a week. And
22 sometimes you worked seven days a week; is that
23 correct?

24 A. Yes.

25 Q. How often did you work seven days a

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week?

A. An average of four months. Something like that.

Q. Are you testifying that for a period of approximately four months you worked seven days a week?

A. Yes.

Q. When was it that you worked seven days a week?

A. Because they needed me and they didn't have any personnel.

Q. In what year was it that you worked seven days a week?

A. For instance, on a year that we -- that year we didn't have personnel. So we went on working seven days a week.

Q. Let me try to clarify this. You testified that you had worked seven days a week for about four months, correct? Are you testifying that you worked those seven days a week in four consecutive months?

A. No, not consecutive.

Q. So for approximately four months over the entire time that you worked for the defendants

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you worked seven days a week?

A. Yes.

Q. Was your shift generally six p.m. to six a.m. till the end of 2004 when you stopped working for defendants, or did your shift change?

A. Yes, it was like that. No, it did not change.

Q. What day of the week did you generally have off?

A. Tuesday.

Q. Did you always punch a time clock when you arrived at the beginning of your shift?

A. Yes.

Q. Did you punch a time clock when you left at the end of your shift?

A. Yes.

Q. Did you ever punch out if you left during your shift?

A. But if I would leave, I would have to punch or add an hour or two, but I would always have to punch the clock at six o'clock in the afternoon. And I -- six o'clock in the morning.

MS. WHITE: I'm sorry. Can you repeat that?

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(Record read.)

Q. Let me rephrase the question.

Did you ever punch out the time clock in the middle of your shift?

A. In the morning I had to leave at six.

Q. Right. You would come in at six p.m. and you would punch the time clock, correct?

A. Come in.

Q. And you would punch out at six in the morning?

A. Yes.

Q. Did you ever punch out if you left the garage between six p.m. and six a.m.?

MR. FAILLACE: Objection. Form.

A. No, because you would not leave there.

Q. Did you ever start work prior to the start of your shift?

A. Yes, sometimes I would come at five.

Q. Did you punch in at five o'clock or would you punch in at six o'clock?

A. No, I had to punch my card at six.

Q. How many times did you come in at five o'clock and punch in at six o'clock?

A. When they told me to do so.

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Q. How often did that happen?

A. Weekly.

Q. So your testimony is every single week, at least once every single week, during the time you were employed with the defendant, you came in at five o'clock at night instead of six o'clock at night?

A. Yes, because we were supposed to punch at six and not at five.

Q. Did you get paid for that hour between five p.m. and six p.m.?

A. No.

Q. So your testimony is you never got paid when you came into work an hour early?

A. If I would come at five o'clock to work, no, I wasn't, because my schedule -- my shift was from six to six.

Q. If you came in at five o'clock, what time would you leave?

A. At six o'clock in the morning.

Q. Were you ever paid in cash for that hour that you worked between five p.m. and six p.m.?

A. 10 or \$15 he would give us per week.

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L. Luna

2 A. Yes. Whenever we were called in to
3 come.

4 Q. And your testimony is you were never
5 paid for that hour besides the cash that you
6 received each week?

7 A. Because the cash was only like 40, 45
8 pesos.

9 Q. Did you receive dollars or pesos?

10 A. Dollars.

11 Q. So your testimony is that you received
12 about 40, \$45 per week in cash?

13 A. Yes.

14 Q. Mr. Luna, a little while ago I asked
15 you how much in cash you received each week. And
16 I asked you if you ever received \$40 a week in
17 cash. And you just testified that you did.
18 Before, you testified that you didn't. Which is
19 it?

20 A. Well, I'm talking now about when we
21 came an hour earlier.

22 Q. Then you would receive 40 to \$45 in
23 cash that week?

24 A. Yes.

25 Q. Would you agree that you received at

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1 L. Luna
2 least \$40 in cash almost every week that you
3 worked for the defendants?

4 MR. FAILLACE: Objection. He said
5 already he didn't.

6 So please tell him what I just
7 said.

8 He can answer it. I'm just
9 saying -- I objected because he already
10 told her something different. She's
11 putting words in his mouth again. She's
12 attempting to put words in my client's
13 mouth.

14 Q. Let me rephrase the question.

15 You testified that every week three or
16 four times a week you would come in to work at
17 five p.m. instead of six p.m., correct?

18 A. Yes.

19 Q. You also testified, correct me if I'm
20 wrong, that on those weeks when you did come in at
21 five p.m. instead of six p.m. that you received
22 approximately \$40 in cash; is that correct?

23 A. Yes.

24 Q. If every week you came in to work at
25 five p.m. instead of six p.m. at least once, then

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1 your testimony is that you received around \$40 in
2 cash that week to compensate you for that extra
3 hour?

4 A. Yes.

5 Q. Did you ever continue to work after six
6 a.m.?

7 A. Yes.

8 Q. How often would you work after six
9 a.m.?

10 A. About ten weeks.

11 Q. But generally your shift ended at six
12 a.m., correct?

13 A. Yes.

14 Q. You testified earlier that you worked
15 with Jose; is that correct?

16 A. Yes, that was my working buddy.

17 Q. Did Jose also park cars?

18 A. Yes.

19 Q. Did you ever let Jose punch your
20 timecard in or out?

21 A. No.

22 Q. Did you ever pay another employee to
23 work one of your shifts?

24 A. No.

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1 Q. Has another employee ever paid you to
2 work his or her hours?

3 A. No.

4 Q. In the time that you worked for
5 defendants between March 2002 and November 2004,
6 did you ever take a leave of absence from work?

7 A. No, I didn't take any vacation.

8 Q. Did you ever take any other time off of
9 work?

10 A. No.

11 Q. Did you ever leave the country between
12 March 2002 and November 2004?

13 MR. FAILLACE: Objection.

14 A. No. You can check my passport.

15 Q. I have your passport right here. I'm
16 about to show you.

17 Did you leave the country in March

18 2003?

19 A. No.

20 Q. You did not?

21 A. No.

22 MR. FAILLACE: Can we take a
23 break?

24 MS. WHITE: Can I have two minutes

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A. No.

Q. Your paycheck never listed overtime hours?

A. No, no.

Q. If you look at the very first page of Exhibit 2 that's in front of you right here, see where it says "regular"? "Forty hours at 5.15." Do you see that?

A. Yes.

Q. And do you see under that it says overtime?

A. But they didn't give us that on the check. They would give it to us cash.

MR. FAILLACE: He didn't say that.

THE INTERPRETER: No?

MR. FAILLACE: No.

Q. Could you repeat what you just said for the interpreter?

A. That money was not given to us on the check. The overtime, no.

Q. So right here where it says overtime -- six hours. Do you see that on here? And it says that at a rate of \$7.25 per hour. Do you see that?

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Q. Do you understand that the overtime rate of pay was one and a half times your regular rate of pay?

A. The overtime, yes. Yes, that's time and a half.

Q. Did you receive time and a half for your overtime hours?

MR. FAILLACE: He was asking. He was asking.

Q. He was asking? What were you asking? I'm sorry.

A. No, I'm telling you that time and a half -- that's the hour for overtime.

Q. Right. Do you agree that you were paid time and a half for the overtime hours that you worked?

A. Yeah, the overtime.

Q. You testified that you received cash in addition to your check, correct?

A. When you work more.

Q. Why did you receive -- explain to me why you received cash in addition to your check.

A. Because it goes over the 40 hours of the five days of work.

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L. Luna

A. Yes.

Q. And you see across it says "for this period, \$46.35," correct? And that's in addition to \$206 of regular pay. Do you see that?

A. Yes.

Q. For a total gross pay of 252.35.

A. Yes. But they would give that to us in cash.

Q. Okay. Do you see where it says "net pay" on here, "\$218.79"? Please look at Exhibit 2. Would you receive in that check the entire amount of net pay?

A. I don't remember. But if it says so, I am sure that -- but I don't remember.

Q. Let me rephrase my question. These paychecks that you have in front of you, the pay stubs, reflect that you were paid by check for at least some overtime hours; isn't that correct?

A. Yes. They would give it to me on a check.

Q. Okay. That's my question. Thank you. Do you understand what the term "time and a half" means?

A. No.

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Q. So let me -- I'm trying to understand your testimony. Is your testimony that you received cash to compensate you for hours that you worked in addition to the hours that were compensated in your paycheck?

A. Yes. Because that was when you went over the time. When you work seven days -- if you work more than seven days -- five days -- for instance, if you work seven days, they would give you 40 to \$45 for that.

Q. Who gave you the cash?

A. Raj.

Q. Isn't it true that some of the cash that you received was to compensate you for a lunch hour or a meal break during your shift?

A. No, we never got breaks. There were no breaks.

Q. Did you keep a record of the amount of cash that you received?

A. The check. No, no. Now that you're mentioning cash -- no, no. There was no receipt, nothing.

Q. Did you make any note of the amount of cash that you received?

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1 L. Luna

2 A. No.

3 Q. Did you declare the cash on your income
4 tax returns?

5 A. No. That was on the side.

6 Q. Did you receive any bonuses during the
7 time that you worked for the defendants?

8 A. No.

9 Q. Did you ever receive any tips?

10 A. In the parking you mean?

11 Q. Yes.

12 A. Yes, but that was from the customer.

13 Q. How much would you receive on a daily
14 basis in tips?

15 A. Fifteen, \$12.

16 Q. Did you receive tips every day?

17 A. Yes.

18 Q. Did you ever give the tips to your
19 supervisor?

20 A. No.

21 Q. Did you ever tell your supervisor how
22 much you received in tips?23 A. Yes. But he wouldn't interfere with
24 that.

25 Q. So your supervisor never took the tips

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1 L. Luna

2 Q. Okay. I'm just trying to understand
3 your testimony. Could you repeat the -- let me
4 ask the question again.5 Did you and Jose receive a total of 15
6 to \$20 in tips, or did you receive a total of 30
7 to \$40 dollars in tips?8 MR. FAILLACE: Objection. He's
9 already answered it. And you're trying
10 to confuse him.

11 MS. WHITE: Objection noted.

12 A. Between 30 and 40 between the two of
13 us.14 MR. FAILLACE: You're confusing
15 him, but that's fine.16 Q. So let me confirm. You would receive
17 between 30 to \$40 in tips per day. So you and
18 Jose would each get half of that, or 15 to \$20 in
19 tips per day; is that correct?20 A. We would divide between the two of us.
21 If we only got 20, we would get 10 and 10 each.22 Q. Okay. Mr. Luna, in this lawsuit, what
23 is it that you are claiming that you weren't paid
24 for?

25 A. He didn't pay us a lunch hour.

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1 L. Luna

2 away from you?

3 A. No.

4 Q. Did you share your tips with any other
5 employees?

6 A. Yes, with my buddy.

7 Q. You're referring to Jose? You shared
8 your tips with Jose?

9 A. Yes, Jose, yes.

10 Q. How much of your tips would you give to
11 Jose?12 A. It was half and half. We would share
13 it.14 Q. Did you personally receive 15 to \$20 in
15 tips, or did you receive half of 15 to \$20?16 A. Half of it, because we would divide it
17 between the two of us.18 Q. So did you personally receive between
19 7.50 and \$10 in tips a day, or did you personally
20 receive 15 to \$20 in tips a day?

21 MR. FAILLACE: Objection.

22 Q. I'm just trying to understand your
23 testimony.24 MR. FAILLACE: He answered already
25 that he split it.

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1 L. Luna
 2 Would you like the interpreter to
 3 repeat to your witness the objection that
 4 you made?

5 MR. FAILLACE: I have asked her
 6 repeated times to do so, but she didn't
 7 do it.

8 MS. WHITE: Right now are you
 9 asking her?

10 MR. FAILLACE: I mean, she knows
 11 what to do. I don't have to repeat it to
 12 her. She's a smart lady.

13 MS. WHITE: I'm going to ask the
 14 interpreter to repeat -- if the court
 15 reporter could repeat back Mr. Faillace's
 16 first objection. And we will repeat it
 17 to the witness so that the witness hears
 18 all that is going on today.

19 (Record read.)

20 Q. Just to clarify, I'm not trying to
 21 mischaracterize your testimony. I'm just trying
 22 to understand. For the hours that you worked that
 23 were not reflected on your paycheck, did you
 24 receive cash to compensate you for those hours?

25 MR. FAILLACE: Objection. Already
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1 L. Luna
 2 answered.

3 Q. You can answer the question.
 4 A. On the seven days -- on the seven days
 5 you mean? They gave us 40 to 45.
 6 Q. Previously your testimony was that you
 7 worked seven days in a week for a period of about
 8 four months; is that correct?

9 A. For eight to ten weeks we worked seven
 10 days a week.

11 Q. And in those weeks your testimony is
 12 that you received 40 to \$45 in cash for the extra
 13 time that you worked; is that correct?

14 A. Yes.

15 Q. Other than those eight to ten weeks
 16 that you were just testifying about, were you
 17 compensated for the hours that you worked?

18 A. No.

19 Q. What were you not compensated for?
 20 A. The lunch time.

21 Q. Were you not compensated for anything
 22 else?

23 A. No.

24 Q. Thank you. Did you ever leave the
 25 premises during a shift?

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1 L. Luna

2 MR. FAILLACE: Objection. He
 3 already answered.

4 A. No.

5 Q. Did you ever take a meal break during
 6 your shift?

7 A. No.

8 Q. Did you ever eat while you were on your
 9 shift?

10 A. We eat like that. Running and working
 11 and eating, because it was very busy.

12 Q. Is it your testimony that you would eat
 13 food while you were working?

14 A. Every five minutes a car would come.
 15 So we would have to leave our food and take care
 16 of the car and go back. We had to leave our food
 17 and we had to run.

18 Q. Did you ever leave the premises to go
 19 get food?

20 A. No.

21 Q. Did you bring the food into work with
 22 you?

23 A. Yes.

24 Q. Did anyone tell you that you were
 25 entitled to a meal break?

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1 L. Luna

2 A. Yes.

3 Q. Who told you that you were entitled to
 4 a meal break?

5 A. The same customers would tell me that I
 6 had a right to have a moment to eat.

7 Q. Did anyone at the company tell you that
 8 you are entitled to a meal break?

9 A. No. From the company, no. The
 10 customers would.

11 MS. WHITE: I'm going to mark this
 12 as Luna Exhibit 3.

13 (Luna Exhibit 3, SP Payroll
 14 document, marked for identification, as
 15 of this date.)

16 Q. Mr. Luna, if you'll take a look at the
 17 document that is in front of you that has been
 18 marked Exhibit 3. Is that your signature at the
 19 bottom of the document?

20 A. Yes, that's my signature.

21 Q. Do you recognize what this document is?

22 A. No.

23 Q. Did you read this document before you
 24 signed it?

25 A. No.

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<p style="text-align: right;">Page 70</p> <p>1 L. Luna 2 Q. You see that the document is written in 3 both English and Spanish; is that correct? In 4 that second paragraph -- 5 MR. FAILLACE: He hasn't answered 6 your question. 7 MS. WHITE: I'm trying to assist 8 him. 9 MR. FAILLACE: Maybe he can't read 10 it. 11 Q. Are you able to read Spanish, Mr. Luna? 12 A. Yes. They never gave us that. 13 Q. That's not my question. Do you see 14 that second paragraph where it's written in 15 Spanish? 16 A. Yes. 17 Q. Are you able to read the Spanish that 18 is written there? 19 A. Yes. But we never got the hour for 20 lunch. 21 Q. Is it your testimony that you never 22 read this document? 23 A. No, I didn't read it. 24 Q. Are you in the custom of signing 25 documents that you don't read?</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 71</p> <p>1 L. Luna 2 MR. FAILLACE: Objection. 3 Objection. 4 A. Well, I was trusting. 5 Q. I will repeat the question. Are you in 6 the custom of signing documents that you don't 7 read? 8 A. Yes, I am used to it. 9 Q. Is it your testimony that you do not 10 know that you can take a break? 11 MR. FAILLACE: Objection. He has 12 already -- 13 A. Nobody would take the break. There was 14 no time. 15 Q. Did anybody tell you not to take a 16 break? 17 A. There was no time. The supervisor 18 never told us that we had an hour for lunch. 19 Q. Did you take a break of any length 20 during your shift when you worked? 21 A. No, we couldn't. 22 Q. Is it your testimony here today that 23 you never took even a minute break during your 24 shift when you worked with the defendants in the 25 entire time between March 2002 and November 2004?</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 72</p> <p>1 L. Luna 2 A. No. We didn't take lunch. 3 Q. Did you ever take a break for any 4 reason, not just for lunch or to eat a meal? 5 A. Only when I was going to the bathroom. 6 Q. With the exception of using the 7 restroom, did you ever take a break for any other 8 reason? 9 A. No. 10 Q. Did you ever see Jose the individual 11 with whom you worked take a break? 12 A. That was very busy. We had to run, 13 both of us. 14 Q. How many cars did you generally park or 15 return to customers in an hour? 16 A. That depends on the movement because 17 the cars were coming in and going out. It was 18 like an elevator. It was five stories of cars. 19 Q. Are you able to estimate the 20 approximate number of cars that came in or went 21 out of the garage in an hour when you were working 22 during your shift? 23 A. Thirty to 40 vehicles. And according 24 to how they are coming, you have to park them. 25 You have to put them in the elevator and park</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 73</p> <p>1 L. Luna 2 them. 3 Q. Did you ever take time off of work to 4 care for a family member? 5 MR. FAILLACE: Objection. 6 A. No. 7 Q. Did you ever take time off to run a 8 personal errand? 9 A. I would do everything on a Tuesday. 10 That was my free day. 11 Q. How did you get to work? 12 A. On bus. 13 Q. Was the bus ever late in getting you to 14 work? 15 A. No, I knew my timing. 16 Q. Was the bus ever delayed in picking you 17 up? 18 A. No. I would always come ten to 19 fifteen -- ten or five minutes before the time. I 20 knew my time. 21 Q. Were you ever disciplined during your 22 employment with the company? 23 A. No. 24 Q. Has anyone ever informed you that they 25 wished to be part of this lawsuit?</p> <p>TSG Reporting - Worldwide 877-702-9580</p>